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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,202	07/18/2001	Paul Scheurer	434100.9	1344

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/831,202

Applicant(s)

SCHEURER, PAUL

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 20-24, 26, 27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 26, 27, 29-32 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Applicant's election without traverse of species I, figs. 1-3 in Paper No. 9 has been acknowledged. Election was made **without** traverse in Paper No. 9.

Claims 20-22, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al (US 4386741).

Applicant's admitted prior art is discussed on pages 1-3 of the specification, especially JP '125, discloses substantially all the claimed features including a preparatory machine, combing machines, and conveying belts operated step by step. JP '8184 further discloses a similar apparatus having a trough plate in connection with a rotating and lifting device for rotating the wound rolls 90 degrees before the rolls are grasped by the conveying system. It would have been obvious to a person having ordinary skill in the art to provide the JP '125 apparatus with a trough plate as taught by JP '8184 to rotate the rolls to the desired orientation and lift the rolls to the desired position before the rolls are handled by the conveying belts. It is deemed that the conveying belts of JP '125 are driven in a stepwise manner so that the rolls are compiled step by step or, alternatively, to drive the conveying belts in a stepwise manner, which is old and well known as shown by Weiss et al, would have been obvious to a person having ordinary skill in the art to obtain a desired spacing of the rolls on the conveying belts or to deliver the rolls in a desired time sequence.

Claims 24, 27, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al (US 4386741) as applied to claims 20-22 and 30 above, and further in view of Boehm (US 2735538).

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Boehm discloses a rotating apparatus for moving rolls and having two receivers facing in the opposite direction; it would have been obvious to a person having ordinary skill in the art that the inclined ramp 62 would not be needed if the rolls being delivered to the apparatus were at the same level as the apparatus. The limitations of claim 27 are deemed inherent since all the structures are met or, alternatively, such distance would have been within the level of one of ordinary skill in the art and would have been determined through routine engineering experimentation and optimization. The non-slip layer is deemed inherent since the rolls clearly do not slip from the apparatus.

Claims 26 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Weiss et al and Boehm as applied to claims 24, 27, 29, 31 above, and further in view of JP 61-145082.

The JP reference discloses another similar apparatus in which the shaft 27 is provided with a lifting device for raising and lowering said shaft. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of the admitted prior art modified as above with a lifting device as taught by JP '082 to raise and lower the shaft such as to clear the conveyor.

Applicant's arguments filed 7/19/04 have been fully considered but they are not persuasive.

Relative to JP '8184, the claims do not preclude the apparatus to be highly complex and there is no reason why it is not suitable to form a group of wound laps with

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aligned lap ends. The 90 degrees is used in the illustrated embodiment but, as indirectly suggested in the discussion on page 2 of the specification, the angle of rotation can be any desired angle. The gripper arms will need to eventually deposit the rotated rolls somewhere and there's no restriction that that somewhere can be a conveyor belt.

The ramp of Boehm is to enable the rolls to be received from conveyor 77 located as shown in the figure. If the conveyor were located at the same level as the member 50, there would not be a need for the ramp. The courts have held that omission of an element and its function where not needed is obvious.

Regarding JP '082, the rejection mentions shaft 27 not 21. Furthermore, nothing in JP '082 has been asserted as being pivot mounted.

Claim 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art of record does not show or render obvious a method as recited in claim 23

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

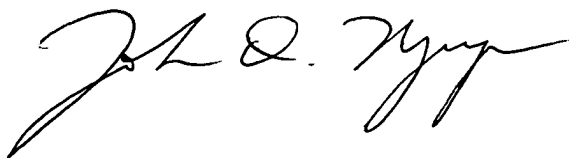
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (703) 308-2689. The examiner can normally be reached on Monday-Friday from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.

A handwritten signature in black ink, appearing to read 'J. Q. Nguyen', with a stylized, flowing script.

John Q. Nguyen  
Primary Examiner  
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